

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:21-cv-173-KC (Consolidated)
	§	
THE STATE OF TEXAS; GREG ABBOTT, in his	§	
official capacity as Governor of Texas,	§	
	§	
Defendants.	§	
	§	
ANNUNCIATION HOUSE; ANGRY TIAS & ABUELAS	§	
OF THE RIO GRANDE VALLEY; JENNIFER HARBURY;	§	
FIEL HOUSTON,	§	
	§	
Consolidated Plaintiffs,	§	
	§	
v.	§	
	§	Case No. 3:21-cv-00178-KC
GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS	§	
GOVERNOR OF TEXAS; STEVEN McCRAW, IN HIS	§	
OFFICIAL CAPACITY AS DIRECTOR OF THE STATE OF	§	
TEXAS DEPARTMENT OF PUBLIC SAFETY,	§	
	§	
Consolidated Defendants.	§	
	§	

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME

TO THE HONORABLE KATHLEEN CARDONE, U.S. DISTRICT JUDGE:

Defendants the State of Texas, Governor Greg Abbott in his official capacity as Governor of Texas ("Governor Abbott"), and Steven McCraw in his official capacity as Director of the State

of Texas Department of Public Safety (“Director McCraw”) (collectively “Defendants”) respectfully request a three-week extension on their deadline to file their Answers to Plaintiffs’ Complaints, which are presently set for March 3, 2022. The events described in this motion create the need for additional time. In support, Defendant would respectfully show the Court as follows:

STANDARD OF REVIEW

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion if . . . a request is made before[] the original time or its extension expires.”¹ The good cause standard requires “the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.”² “Rule 6(b)(1)(A) gives the court wide discretion to grant a request for additional time that is made prior to the expiration of the period originally prescribed or prior to the expiration of the period as extended by a previous order.”³ “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”⁴

ARGUMENTS & AUTHORITIES

Defendants’ Answers to Plaintiffs’ Complaints are currently due March 3, 2022. Defendants seek a three-week extension, creating a new deadline of March 24, 2022. Plaintiffs are unopposed to this motion for extension of time. Defendants seek this extension as they consider whether to appeal the Court’s orders on their Motions to Dismiss and the resulting

¹ FED. R. CIV. P. 6(b)(1); *see also* FED. R. CIV. P. 16(b)(4) (applying the same good cause standard for modifications to a schedule).

² *S & W Enters., L.L.C. v. Southtrust Bank of Ala., NA*, 315 F.3d 533, 536 (5th Cir. 2003).

³ Charles Alan Wright & Arthur R. Miller, 4B Fed. Prac. & Proc. Civ. § 1165 (4th ed. April 2017).

⁴ *Id.*

impact on this case. In addition, undersigned counsel has been consumed with preparing for a jury trial set to begin on March 7, 2022 in *Nikolova v. University of Texas at Austin*, Civ. A. No. 1:19-cv-00877, pending in the Western District, in addition to completing discovery in another case pending in the Western District, *Leykum v. University of Texas Health Science Center at San Antonio*, Civ. A. No. 5:20-cv-00478. The extension is not sought for delay but so that justice may be done, and no party will be prejudiced if it is granted.

PRAYER

Defendants respectfully submit that the circumstances described in this motion constitute good cause. As such, Defendants respectfully asks the Court for a three-week extension on their deadline to file their Answers to Plaintiffs' Complaints. If granted, Defendants' deadline would be moved from March 3, 2022 to March 24, 2022. This motion is unopposed.

Dated: March 2, 2022

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN COWLES

Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT

Chief, General Litigation Division

/s/ Amy S. Hilton

AMY S. HILTON

Assistant Attorney General

General Litigation Division

State Bar No. 24097834

Amy.Hilton@oag.texas.gov

WILLIAM D. WASSDORF

Assistant Attorney General

General Litigation Division

State Bar No. 24103022

Will.Wassdorf@oag.texas.gov

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 463-2120 / Fax (512) 320-0667

COUNSEL FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I certify that on March 1, 2022, I conferred with Spencer Amdur, counsel for the private party plaintiffs, and Michael Gerardi, counsel for the United States, and they indicated Plaintiffs are unopposed to this motion.

/s/ Amy S. Hilton

Amy S. Hilton

Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was filed electronically via CM/ECF on March 2, 2022, causing electronic service on all counsel of record.

/s/ Amy S. Hilton

Amy S. Hilton

Assistant Attorney General